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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
			EXAMINER HSU, ALPUS	
			ART UNIT 2665	PAPER NUMBER

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/695,921

Applicant(s)

RAHMAN ET AL.

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The double patenting rejection under 35 U.S.C 101 is hereby withdrawn by the examiner in view of the cancellation of claims 4-33 in co-pending Application No. 09/842,899.

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-9, 11-13, 15-18, 20, 22-25, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over BILLINGS in U.S. Patent No. 4,714,989 in view of SUGIARTO et al. in U.S. Patent Application Pub. No. US 2002/0002596 A1.

Referring to claim 1, BILLINGS discloses a method of service creation and/or negotiation in a wired communication network, comprising: receiving a request for service creation or negotiation (col. 3, lines 9-11, col. 5, lines 16-19); accessing a logically linked dynamic storage in accordance with the request; obtaining, from the storage, user information

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associated with the request; obtaining, from the storage, network information associated with the user information (col. 3, lines 31-36, col. 5, lines 19-23); comparing the request with the user information and the associated network information (col. 5, line 66 to col. 6, line 6); and providing the requested service based on the comparison (col. 3, lines 12-15, col. 5, lines 22-23).

BILLINGS differs from the claim, in that, it does not disclose a wireless network environment as claimed, which is well known in the art and can be easily modified by one of ordinary skill in the art to meet the system requirement.

SUGIARTO et al., for example, from similar field of endeavor, teaches the method and system of service creation and/or negotiation in a wireless network (see abstract and Figure 1), which can be easily adopted by one of ordinary skill in the art to further modify the method of BILLINGS to operate in wireless network environment to provide the method with wireless communication capability.

Referring to claim 2, BILLINGS discloses the logically linked dynamic storage is dynamically updated in accordance with the user and network information (col. 3, lines 33-36).

Referring to claim 3, BILLINGS discloses the step of providing the requested service is performed by accessing the logically linked dynamic storage without having to access any other portions of the network to minimize signal overloading (col. 3, lines 24-29).

Referring to claim 4, BILLINGS discloses a method of service creation and/or negotiation in a wired communication network, comprising: receiving a request for service creation or negotiation (col. 3, lines 9-11, col. 5, lines 16-19); accessing a logically linked dynamic storage in accordance with the request; obtaining, from the storage, service information

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associated with the request; obtaining, from the storage, user information associated with the service information; obtaining, from the storage, network information associated with the user information (col. 3, lines 31-36, col. 5, lines 19-23); comparing the request with the user information and the associated network information (col. 5, line 66 to col. 6, line 6); and providing the requested service based on the comparison (col. 3, lines 12-15, col. 5, lines 22-23).

BILLINGS differs from the claim, in that, it does not disclose a wireless network environment as claimed, which is well known in the art and can be easily modified by one of ordinary skill in the art to meet the system requirement.

SUGIARTO et al., for example, from similar field of endeavor, teaches the method and system of service creation and/or negotiation in a wireless network (see abstract and Figure 1), which can be easily adopted by one of ordinary skill in the art to further modify the method of BILLINGS to operate in wireless network environment to provide the method with wireless communication capability.

Referring to claim 5, BILLINGS discloses the logically linked dynamic storage is dynamically updated in accordance with the user and network information (col. 3, lines 33-36).

Referring to claim 6, BILLINGS discloses the step of providing the requested service is performed by accessing the logically linked dynamic storage without having to access any other portions of the network to minimize signal overloading (col. 3, lines 24-29).

Referring to claim 7, BILLINGS discloses a method of service creation and negotiation in a wireless network, comprising: receiving a request from a user to create or negotiate a service

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(col. 3, lines 9-11, col. 5, lines 16-19); accessing a storage having user information, service information and network information stored therein(col. 3, lines 31-36, col. 5, lines 19-23); comparing the request with the user information, the service information and the network information (col. 5, line 66 to col. 6, line 6); and providing the data service to the user based upon the comparison (col. 3, lines 12-15, col. 5, lines 22-23).

BILLINGS differs from the claim, in that, it does not disclose a wireless network environment as claimed, which is well known in the art and can be easily modified by one of ordinary skill in the art to meet the system requirement.

SUGIARTO et al., for example, from similar field of endeavor, teaches the method and system of service creation and/or negotiation in a wireless network (see abstract and Figure 1), which can be easily adopted by one of ordinary skill in the art to further modify the method of BILLINGS to operate in wireless network environment to provide the method with wireless communication capability.

Referring to claim 8, BILLINGS discloses the steps of: periodically obtaining user, service and network information; and dynamically updating the storage by periodically storing the periodically obtained user, service and network information.

Referring to claim 9, BILLINGS discloses a step of dynamically storing the network information into the first database (col. 3, lines 33-36).

Referring to claim 11, BILLINGS discloses the accessing step is performed without having to access any other portions of the wireless network (col. 3, lines 24-29).

Referring to claim 12, BILLINGS discloses a method of service creation and negotiation in a wireless network, comprising: receiving a request from a user to create or negotiate a service

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(col. 3, lines 9-11, col. 5, lines 16-19); accessing at least a first database having network information and user information stored therein (col. 3, lines 31-36, col. 5, lines 19-23); comparing the request with the user information, the service information and the network information (col. 5, line 66 to col. 6, line 6); and providing the data service to the user based upon the comparison (col. 3, lines 12-15, col. 5, lines 22-23).

BILLINGS differs from the claim, in that, it does not disclose a wireless network environment as claimed, which is well known in the art and can be easily modified by one of ordinary skill in the art to meet the system requirement.

SUGIARTO et al., for example, from similar field of endeavor, teaches the method and system of service creation and/or negotiation in a wireless network (see abstract and Figure 1), which can be easily adopted by one of ordinary skill in the art to further modify the method of BILLINGS to operate in wireless network environment to provide the method with wireless communication capability.

Referring to claim 13, BILLINGS discloses a step of dynamically storing the network information and the user information into the first database (col. 3, lines 33-36), and SUGIARTO et al. discloses the network information being wireless network information (paragraph [0026] lines 8-13).

Referring to claim 15, BILLINGS discloses the accessing step is performed without having to access any other portions of the wireless network (col. 3, lines 24-29).

Referring to claim 16, BILLINGS discloses the step of periodically updating at least the first database with updated network and user information (col. 3, lines 33-36).

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Referring to claim 17, BILLINGS discloses a system allowing service creation and negotiation in a wired communication network, comprising: a receiver (204b) to receive a request from a user to create or negotiate a service; and a central processing node (200 and 212) to process the request by comparing the request with user information, service information and network information dynamically stored therein, and to provide the requested service to the user based upon the comparison (col. 3, lines 12-15, 31-36, col. 5, lines 19-23).

BILLINGS differs from the claim, in that, it does not disclose a wireless network environment as claimed, which is well known in the art and can be easily modified by one of ordinary skill in the art to meet the system requirement.

SUGIARTO et al., for example, from similar field of endeavor, teaches the method and system of service creation and/or negotiation in a wireless network (see abstract and Figure 1), which can be easily adopted by one of ordinary skill in the art to further modify the method of BILLINGS to operate in wireless network environment to provide the method with wireless communication capability.

Referring to claims 18 and 20, BILLINGS discloses the central processing node further comprises a first database (220) having the network information dynamically stored therein.

Referring to claim 22, BILLINGS discloses the central processing node compares the network information and the user information without having to access any other portions of the wireless network (col. 3, lines 24-29).

Referring to claim 23, BILLINGS discloses the central processing node periodically updates the network information and the user information (col. 3, lines 33-36).



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Referring to claim 24, BILLINGS discloses a system allowing service creation and negotiation in a wired communication network, comprising: at least a first database (220) storing network information and user information; and a central processing node (200 and 212) to process the request by comparing the request with user information, service information and network information dynamically stored therein, and to provide the requested service to the user based upon the comparison (col. 3, lines 12-15, 31-36, col. 5, lines 19-23).

BILLINGS differs from the claim, in that, it does not disclose a wireless network environment as claimed, which is well known in the art and can be easily modified by one of ordinary skill in the art to meet the system requirement.

SUGIARTO et al., for example, from similar field of endeavor, teaches the method and system of service creation and/or negotiation in a wireless network (see abstract and Figure 1), which can be easily adopted by one of ordinary skill in the art to further modify the method of BILLINGS to operate in wireless network environment to provide the method with wireless communication capability.

Referring to claim 25, BILLINGS discloses the first database has the network information and the user information dynamically stored therein (col. 3, lines 33-36), and SUGIARTO et al. discloses the network information being wireless network information (paragraph [0026] lines 8-13).

Referring to claim 27, BILLINGS discloses the central processing node accesses the first database without having to access any other portions of the wireless network (col. 3, lines 24-29).

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Referring to claim 28, BILLINGS discloses the central processing node periodically updates at least the first database with updated network and user information (col. 3, lines 33-36).

Referring to claim 29, the combination of BILLINGS and SUGIARTO et al. discloses the first database has a plurality of portions being physically distributed throughout the entire wireless network, the distributed portions being connectively linked with the central processing node (col. 4, lines 32-38).

Referring to claim 30, BILLINGS discloses the central processing node includes the first database (col. 5, line 64 to col. 6, line 6).

6. Claims 10, 14, 19, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over BILLINGS in U.S. Patent No. 4,714,989 in view of SUGIARTO et al. in U.S. Patent Application Pub. No. US 2002/0002596 A1 as applied to claims 7-9, 12, 13, 17, 18, 20, 24 and 25 above, and further in view of AGRAHARAM et al. in U.S. Patent No. 6,035,339.

Referring to claims 10, 14, 19, 21 and 26, the method and system provided from the teaching of BILLINGS and SUGIARTO et al. fails to disclose a separate second database for storing user information or web-based network information as claimed, which is well known in the art and commonly used in communications field for different information storage purpose.

AGRAHARAM et al., for example, from the similar field of endeavor, teaches the uses of multiple databases for different information storage (col. 2, lines 43-51, col. 3, lines 31-35, 46-48, col. 4, lines 31-35, 58-67, col. 5, lines 9-12, col. 6, lines 27-30), which can be easily adopted by one of ordinary skill in the art to implement into the method and system of BILLINGS in view of SUGIARTO et al. to provide plural databases for storing different

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information data to further improve the system efficiency for data storage access and control purpose.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lagarde et al., Rogers et al., Brown et al., Sugano et al., and Gershman et al. are all cited to show the common feature of client/request and server/service in computer network similar to the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu  
Primary Examiner  
Art Unit 2665